

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/916,513	APPLEBY ET AL.	
	Examiner	Art Unit	
	Kim T. Huynh	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment after final filed 11/1/05.
2. ☒ The allowed claim(s) is/are 1-19 and 26-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____   |

*Signature*  
**REHANA PERVEEN**  
 SUPERVISORY PATENT EXAMINER  
 11/10/05

## DETAILED ACTION

### *Allowable Subject Matter*

1. Applicant's amendment filed on 11/1/05 have been fully considered and are persuasive.

2. The following is an examiner's statement of reasons for allowance:

As per independent claims 1 and 30, applicant's claimed invention is deemed allowable over the prior art of record as the prior art fails to teach or suggest if said amount exceeds said threshold, differentiating a type of said requests based on a content in each said request; and admitting said each request only if said differentiated type meets at least one criterion for admission in combination with other limitations as recited in independent claims and further in view of the specification and applicant's arguments.

As per independent claim 26, applicant's claimed invention is deemed allowable over the prior art of record as the prior art fails to teach or suggest a differentiator to evaluate a message content of each of said requests, if said preset amount is exceeded; and a switch to admit said each request only if said evaluation passes at least one criterion for admission in combination with other limitations as recited in independent claim and further in view of the specification and applicant's arguments.

As per independent claim 31, applicant's claimed invention is deemed allowable over the prior art of record as the prior art fails to teach or suggest a computer network comprising a differentiator to evaluate a message content of each of said requests and a switch to admit said each request only if said evaluation passes at least one criterion

for admission, wherein said request throttler is invoked only if an amount of traffic on said computer network exceeds a preset amount in combination with other limitations as recited in independent claim and further in view of the specification and applicant's arguments.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571)272-3635 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 9:00AM- 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached at (571)272-3676 or via e-mail addressed to [rehana.perveen@uspto.gov].*

*The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.*

Kim Huynh

November 9, 2005

### EXAMINER'S AMENDMENT


1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Frederick Cooperrider, 36,769 on 11/10/05.

The application has been amended as follows:

Claims 20-25 are canceled.

Kim Huynh

11/10/05

  
REHANA PERVEEN  
SUPERVISORY PATENT EXAMINER  
11/10/05